

Carolyn E. Wright (SBN 263960)
Law Office of Carolyn E. Wright, LLC
P.O. Box 430
Glenbrook, NV 89413
(775) 589-2229 (telephone)
(775) 580-7322 (facsimile)
Email: carolyn@photoattorney.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MASTERFILE CORPORATION,
a Canada Corporation,

Plaintiff,

vs.

DR. SHEILA ADDISON, an
individual,

Defendant.

Case No. _____

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Masterfile Corporation ("Masterfile") states its claims
against Dr. Sheila Addison ("Addison") as follows:

THE PARTIES TO THIS COMPLAINT

1. Plaintiff Masterfile is a Canadian corporation with its principal place of business at 3 Concorde Gate, Fourth Floor, Toronto, Ontario, Canada M3C 3N7. Masterfile is a stock image licensing agency in the business of licensing reproduction and display rights in images to

users for a fee.

2. On information and belief, Defendant Addison is a marriage and family therapist who resides in this District and may be served at her office located at 2006 Dwight Way, Suite 304, Berkeley, CA 94704.

JURISDICTION AND VENUE

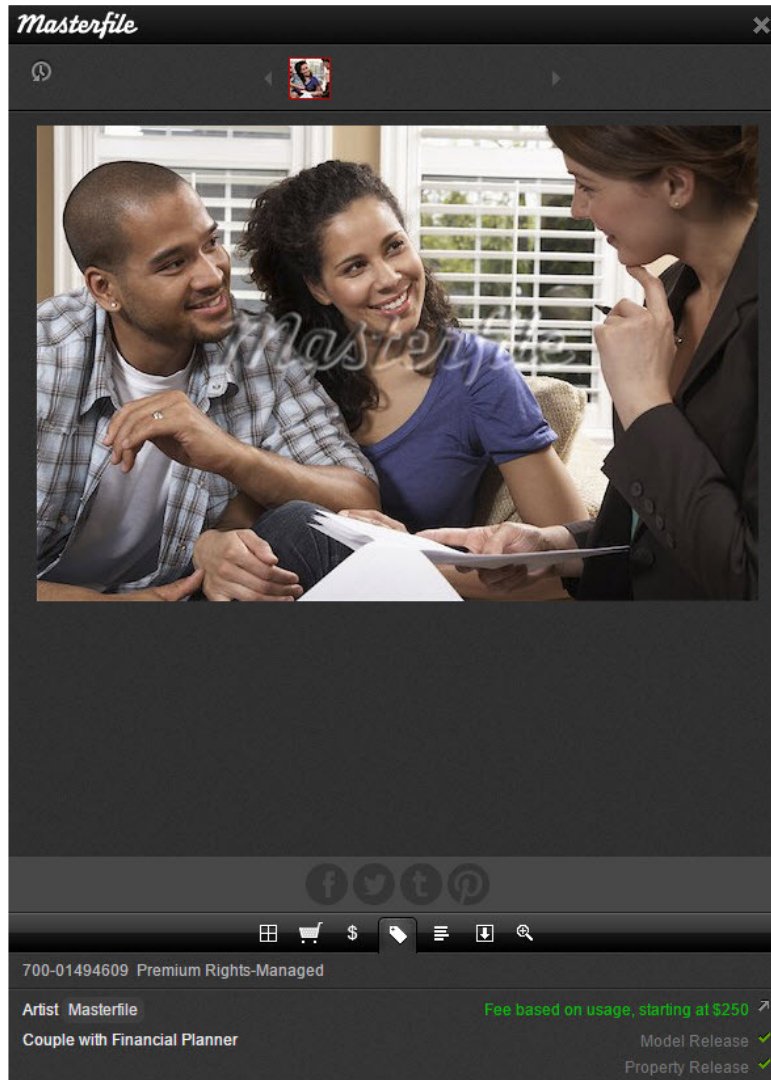
3. This action arises under the Federal Copyright Act of 1976, as amended, 17 U.S.C. § 101, *et seq.* Jurisdiction is founded on 28 U.S.C. §§ 1331 and 1338(a).
4. This Court has personal jurisdiction over Addison by virtue of her residing, transacting, doing, and soliciting business in this District and because a substantial part of the relevant events occurred in this District.
5. Venue is proper under 28 U.S.C. § 1400(a).

OPERATIVE FACTS

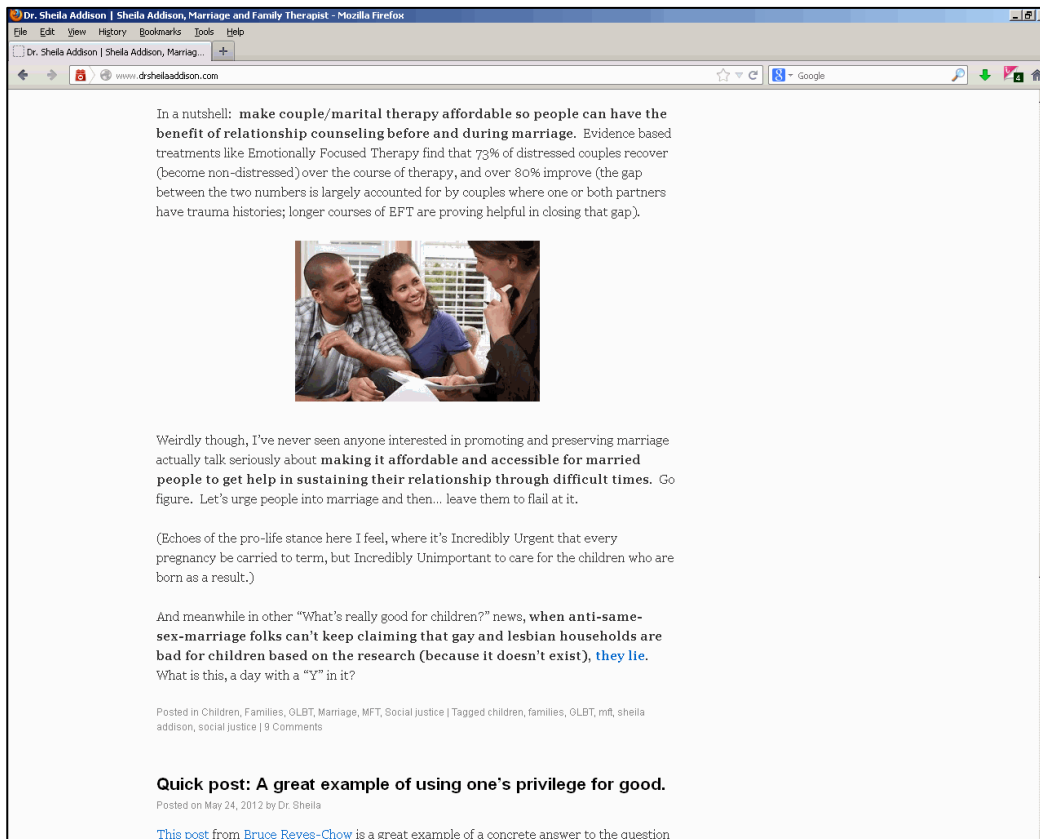
6. Masterfile is the author and owner of the rights-managed image, catalogued on Masterfile's website at www.masterfile.com ("Masterfile Website") with image number and title: 700-01494609 [Couple in Meeting], as shown below (the "Image").



- 1 7. Masterfile registered the Image with the United States Copyright
2 Office as part of a collection in compliance with all Copyright Office
3 requirements under the registration number of VA1-430-018 with an
4 effective date of November 20, 2007.
- 5 8. Masterfile is the proprietor of the right, title, and interest in and to
6 the copyright in the Image pursuant to 17 U.S.C. § 201.
- 7 9. Masterfile complied with all respects with the Copyright Act of
8 1976, 17 U.S.C. § 101, *et seq.*, as amended, and all other laws and
9 regulations governing copyrights, has secured the exclusive rights
10 and privileges in and to the copyright for the Image, and at all times
11 relevant to this action held those rights.
- 12 10. The Image is an original work of authorship fixed in a tangible
13 medium of expression from which it can be perceived, reproduced,
14 or otherwise communicated, either directly or with the aid of a
15 machine or device; it is in perspective, orientation, positioning,
16 lighting and other details are entirely original, distinctive, and
17 unique. As such, the Image is subject matter protectable under the
18 Copyright Act.
- 19 11. At all times relevant to this action, Masterfile was the sole and
20 exclusive owner of all right, title, and interest in and to the copyright
21 in the Image.
- 22 12. Masterfile incorporated copyright management measures on the
23 Masterfile Website, including attribution posted adjacent the Image,
24 information on licensing, and a watermark across the image that read
25 “Masterfile” (collectively, the “Masterfile Copyright Notice”) so that
26 those searching its database would be on notice as to the Image
27 ownership and the terms of any use of the Image, as shown below.
28



13. On information and belief, Addison owns and operates the website at www.drsheilaaddison.com ("Addison Website") through which she advertises her services and solicits customers.
14. On or around April 17, 2013, Masterfile discovered that Addison had reproduced and was displaying and distributing the Image on the Addison Website at www.drsheilaaddison.com and www.drsheilaaddison.com/2012/06/12/quick-post-on-supporting-marriage/, as shown below.



- 1 15. On April 23, 2013, Masterfile provided notice via overnight courier
2 to Addison that the Image appeared on the Addison Website without
3 authorization of Masterfile or the law.
- 4 16. On or about May 8, 2013, Addison removed the Image from the
5 Addison Website.
- 6 17. Masterfile corresponded with Addison in an attempt to settle
7 Masterfile's claims in May 2013. Masterfile continued its efforts to
8 resolve its claims with Addison up until August 2015, but did not
9 receive any response.
- 10 18. Addison admitted that she "was starting to hope the clock would run
11 out on this demand from Masterfile." See
12 <http://www.extortionletterinfo.com/forum/getty-images-letter->
13 [forum/masterfile-threat-should-i-continue-to-reply/](http://www.extortionletterinfo.com/forum/masterfile-threat-should-i-continue-to-reply/).
- 14 19. Masterfile never authorized Addison to reproduce, display, or
15 distribute the Image on the Addison Website.

16 FIRST CAUSE OF ACTION

17 Copyright Infringement – 17 U.S.C. §§ 101 *et seq.*

- 18 20. Masterfile re-alleges and incorporates by reference paragraphs 1
19 through 19 above.
- 20 21. On information and belief, Addison had access to the Image through
21 the Masterfile Website.
- 22 22. Addison's reproduction, display, and distribution of the Image are
23 substantially similar to the Image.
- 24 23. Addison did not have authorization of Masterfile or the law to
25 reproduce, distribute, display, or create derivative works of the
26 Image.
- 27 24. Addison has not compensated Masterfile for reproducing, displaying,
28 or distributing the Image.

- 1 25. Without Masterfile's authorization, Addison reproduced and publicly
2 displayed Masterfile's copyrightable work in violation of 17 U.S.C.
3 § 501.
- 4 26. Addison's conduct violates the exclusive rights belonging to
5 Masterfile under 17 U.S.C. § 106.
- 6 27. As Masterfile discovered that Addison was reproducing, displaying,
7 and distributing the Image in or around April 2013, Masterfile's
8 claims of infringement are within the three-year statute of limitations
9 period pursuant to 17 U.S.C. § 507(b).
- 10 28. As a direct and proximate result of its wrongful conduct, Addison
11 has realized and continues to realize profits and other benefits
12 rightfully belonging to Masterfile for the Image. Accordingly,
13 Masterfile is entitled to and seeks an award of actual damages and
14 profits plus attorneys' fees and costs pursuant to 17 U.S.C. §§ 504(b)
15 and 505.
- 16 29. In the alternative, since Masterfile timely registered the copyright in
17 the Image, Masterfile is entitled to and seeks statutory damages for
18 Addison's infringement of the Image, including attorneys' fees and
19 costs, pursuant to 17 U.S.C. §§ 504(c)(1) and 505.
- 20 30. Addison's infringement of Masterfile's copyright was willful and
21 performed with knowledge that the reproduction and display of the
22 Image was unauthorized; Masterfile is therefore entitled to the
23 recovery of enhanced statutory damages pursuant to 17 U.S.C. 504
24 (c)(2).

25 PRAYER FOR RELIEF

26 WHEREFORE, Masterfile prays that this Honorable Court:

- 27 1. Issue an order that Addison's unauthorized conduct violates
28 Masterfile's rights under the Federal Copyright Act at 17 U.S.C.

§101, et seq.;

2. Order that Addison willfully infringed Masterfile's rights to the Image under the Copyright Act.
3. Order Addison to account to Masterfile for all gains, profits, and advantages derived from Addison's infringement of the Image;
4. Order Addison to pay Masterfile all profits and actual damages in such amount as may be found pursuant to 17 U.S.C. § 504(b) (with interest thereon at the highest legal rate) for Addison's infringement of Masterfile's copyright in the Image; alternatively, maximum statutory damages in the amount of \$30,000 for each infringement pursuant to 17 U.S.C. § 504 (c)(1); or such other amount as may be proper pursuant to 17 U.S.C. § 504;
5. Upon a finding that the infringement was willful, award Masterfile maximum statutory damages in the amount of \$150,000 for Addison's infringement of Masterfile's copyright in the Image pursuant to 17 U.S.C. § 504 (c)(2); or such other amount as may be proper pursuant to 17 U.S.C. § 504;
6. Order Addison to pay Masterfile its costs of litigation and reasonable attorneys' fees in this action pursuant to 17 U.S.C. § 505;
7. Order that Addison is subject to preliminary and permanent injunctions providing that Addison shall to deliver to Masterfile all copies of the Image and all other materials containing such infringing copies of the Image in Addison's possession, custody, or control;
8. Order that Addison be enjoined during the pendency of this action and permanently from infringing Masterfile's copyright in any manner and from reproducing, distributing, displaying, or creating derivative works of the Image;

- 1 9. Award prejudgment and post-judgment interest and all costs of court
2 to Masterfile; and,
3 10. Order such other and further relief as this Honorable Court deems
4 just and equitable.

5 Jury Trial Demand

6 Masterfile demands a jury trial on all of the foregoing counts.

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8 Dated: January 19, 2016. LAW OFFICE OF CAROLYN E. WRIGHT, LLC

9 /s/ Carolyn E. Wright
10 Carolyn E. Wright (SBN 263960)
11 Attorney for Plaintiff
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